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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MARIO WOOTEN,

11 Plaintiff,

No. CIV S-04-0816 DFL JFM P

12 vs.

13 CALIFORNIA DEPARTMENT
14 OF CORRECTIONS,

15 Defendant.

ORDER


16 _____/
17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action
18 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

20 On July 22, 2005, the magistrate judge filed findings and recommendations herein
21 which were served on all parties and which contained notice to all parties that any objections to
22 the findings and recommendations were to be filed within twenty days. Neither party has filed
23 objections to the findings and recommendations.

24 The court has reviewed the file and finds the findings and recommendations to be
25 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
26 ORDERED that:

1. The findings and recommendations filed July 22, 2005 are adopted in full; and
2. Defendants' April 11, 2005 motion to dismiss is granted; and
3. This action is dismissed.

DATED: 9/14/2005



DAVID F. LEVI
United States District Judge